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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

MODAVOX, INC.,

Plaintiff,

v.

AOL INC.,  
TIME WARNER INC.,  
and  
PLATFORM-A INC.,

Defendants.

Civil Action. 09 Civ. 04299 (RWS)

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**PLAINTIFF'S ~~PROPOSED~~ ORDER TO  
STAY PLAINTIFF'S FIFTH AND SIXTH  
CAUSES OF ACTION AND DEFENDANTS'  
FIRST THROUGH ELEVENTH  
AFFIRMATIVE DEFENSES AND FIRST  
THROUGH FOURTH COUNTERCLAIMS**

**PLAINTIFF'S ~~PROPOSED~~ ORDER TO STAY  
PLAINTIFF'S FIFTH AND SIXTH CAUSES OF ACTION AND  
DEFENDANTS' FIRST THROUGH ELEVENTH AFFIRMATIVE DEFENSES AND  
FIRST THROUGH FOURTH COUNTERCLAIMS**

WHEREAS, on July 28, 2009, Defendants and Counterclaimants AOL Inc., Time Warner Inc., and Platform-A Inc. (collectively, the "Defendants") filed their Motion to Sever Claims Pursuant to Federal Rule of Civil Procedure 21 ("Motion");

WHEREAS, thereafter, Plaintiff filed its Opposition to Defendants' Motion, Defendants' filed their reply to Plaintiff's Opposition and oral argument was held on September 9, 2009;

WHEREAS, the Court has considered all moving and opposing papers, as well as oral argument of the parties at the September 9, 2009 hearing; and

WHEREAS, staying the Patent Claims in this action, without severance, serves judicial economy and the interests of both parties;

IT IS HEREBY ORDERED THAT Modavox's Fifth and Sixth Causes of Action as well as Defendants' First through Eleventh Affirmative Defenses and First through Fourth Counterclaims in the above-captioned case are stayed until such time as there is a disposition in

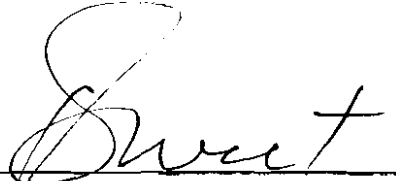
the action entitled *Modavox, Inc. v. Taenda, Inc.*, United States District Court for the Southern District of New York case number 07-CV-7088 (CM), or until further order of the Court;

IT IS FURTHER ORDERED THAT Modavox's First through Fourth claims and Defendants' Twelfth through Twenty-Fifth Affirmative Defenses and Fifth through Eighth Counterclaims shall be stayed once discovery as to those claims has been completed and until such time as the above-detailed stay as to the Patent Claims has been lifted;

IT IS FURTHER ORDERED THAT the Parties shall prepare and submit a new proposed scheduling order, taking into account this Order, within 14 calendar days of the date of entry of this Order.

SO ORDERED.

Dated: January 7, 2010

  
Honorable Robert W. Sweet  
United States District Judge